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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 15th April, 1983:—

BILL NO. 41 OF 1983

A Bill to amend the Central Industrial Security Force Act, 1968.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Industrial Security Force (Amendment) Act, 1983.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

50 of 1968.

2. In the Central Industrial Security Force Act, 1968 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

Amend-
ment of
long title.

“An Act to provide for the constitution and regulation of an armed force of the Union for the better protection and security of industrial undertakings owned by the Central Government and certain other industrial undertakings and for matters connected therewith.”

3. In section 2 of the principal Act,—

Amend-
ment of
section 2.

(a) in sub-section (1),—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) “Director-General” means the Director-General of the Force appointed under section 4;

(aa) "enrolled member of the Force" means any subordinate officer, under officer or any other member of the Force of a rank lower than that of an under officer;

(ab) "Force" means the Central Industrial Security Force constituted under section 3;

(ac) "Force custody" means the arrest or confinement of a member of the Force in accordance with rules made under this Act;';

(ii) clause (d) shall be omitted;

(iii) in clause (f), the words ", other than a supervisory officer" shall be omitted;

(iv) after clause (h), the following clause shall be inserted, namely:—

'(ha) "subordinate officer" means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;';

(v) after clause (i), the following clause shall be inserted, namely:—

'(j) "under officer" means a person appointed to the Force as a Head Constable, Na'k or Lance Na'k;';

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area."

Amend-
ment of
section 3.

4. In section 3 of the principal Act,—

(a) in sub-section (1), for the words "a Force", the words "an armed force of the Union" shall be substituted;

(b) in sub-section (2), for the words "supervisory officers and members", the words "supervisory officers, subordinate officers, under officers and other enrolled members" shall be substituted.

Amend-
ment of
section 4.

5. In section 4 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Deputy Inspectors-General, Commandants, Deputy Commandants or Assistant Commandants of the Force.";

(b) in sub-section (2), for the expression "Inspector-General", the expression "Director-General" shall be substituted.

6. In section 5 of the principal Act, for the words "appointment of members of the Force shall rest with the Inspector-General", the words "appointment of the enrolled members of the Force shall rest with the Director-General" shall be substituted.

Amend-
ment of
section 5.

7. In section 6 of the principal Act,—

Amend-
ment of
section 6.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every enrolled member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Director-General or such other supervisory officer as the Director-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of an enrolled member of the Force.";

(b) in sub-section (2), for the words "a member", the words "an enrolled member" shall be substituted.

8. In section 7 of the principal Act,—

Amend-
ment of
section 7.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder, the command, supervision and administration of the Force shall vest in the Director-General.";

(b) in sub-section (2),—

(i) for the words "a Deputy Inspector-General, Chief Security Officer or Security Officer", the words "an Inspector-General, a Deputy Inspector-General, a Commandant, a Deputy Commandant or an Assistant Commandant" shall be substituted;

(ii) for the words "Central Government", the words "Central Government or the Director-General" shall be substituted.

9. In section 11 of the principal Act,—

Amend-
ment of
section 11.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Any member of the Force may, without any order from a Magistrate and without a warrant, arrest—

(i) any person who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restrain, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force to him or any other member of the Force in the execution of his duty as such member, or with intent to prevent or to deter him from discharging his duty as such member, or in consequence of anything done or attempted to be done by him in the lawful discharge of his duty as such member; or

(ii) any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, a cognizable offence which relates to property belonging to, or in the premises of, any industrial undertaking referred to in clauses (b) and (c) of section 10, or relates to the other installations, or to property in the premises of the other installations, referred to in those clauses;

(iii) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to any undertaking or installations referred to in clauses (b) and (c) of section 10.”;

(b) in sub-section (2), the words “Supervisory officer or” shall be omitted.

Insertion
of new
section
15A.

10. After section 15 of the principal Act, the following section shall be inserted, namely:—

Restric-
tions res-
pecting
right to
form as-
sociation,
etc.

“15A. (1) No member of the Force shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of the Force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.”.

Amend-
ment of
section
18.

11 In section 18 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) Without prejudice to the provisions contained in section 8, every member of the Force who shall be guilty of any violation

of duty or wilful breach or neglect of any rule or regulation or lawful order made by a supervisory officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, may be taken into Force custody and shall, on conviction, be punished with imprisonment for a term which may extend to one year.

2 of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable and non-bailable.

2 of 1974.

(2A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Central Government may invest the Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force:

Provided that—

- (i) when the offender is on leave or absent from duty; or
- (ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or
- (iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force; or
- (iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or try an offence,

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter.”.

12. In section 22 of the principal Act,—

Amend-
ment of
section
22.

(a) in sub-section (2),—

(i) in clauses (a), (b) and (c), the words “supervisory officers and” shall be omitted;

(ii) after clause (g), the following clauses shall be inserted, namely:—

“(gg) regulating matters with respect to Force custody under this Act including the procedure to be followed for taking persons into such custody;

(ggg) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined;”;

(iii) in clause (h), the words “supervisory officers and” shall be omitted;

(iv) in clause (i), after the word "prescribed", the words "or in respect of which rules are required to be made under this Act" shall be inserted;

(b) in sub-section (3), for the words "or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following," the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid," shall be substituted.

Conse-
quential
amend-
ments.

13. The amendments directed in the Schedule (being amendments of a consequential nature) shall be made in the principal Act.

Provi-
sions as
to exist-
ing Force.

14. (1) The force constituted under the principal Act as functioning immediately before the commencement of this Act (hereafter in this section referred to as the existing Force) shall, on such commencement, be deemed to be the force constituted under the principal Act as amended by this Act, and every member of the existing Force holding immediately before such commencement an office mentioned in column (1) of the Table below shall, on such commencement, be deemed to have been appointed to the office mentioned in the corresponding entry in column (2) of the said Table.

TABLE

(1)	(2)
1. Chief Security Officer	Commandant
2. Deputy Chief Security Officer	Deputy Commandant
3. Security Officer	Assistant Commandant
4. Head Security Guard	Head Constable
5. Senior Security Guard	Naik
6. Security Guard	Constable.

(2) Notwithstanding anything contained in sub-section (1), any member of the existing Force may, within thirty days from the commencement of this Act, exercise his option by notice in writing to the Director-General—

(a) if such member had been on deputation to the existing Force from any other service, to revert to such other service, and

(b) in any other case, to retire from service,

and an option so exercised shall be final, and a member exercising such option shall be permitted, within thirty days from the date on which he exercises such option to revert to the service from which he had been on deputation or, as the case may be, to retire from service.

Explanation.—For the purposes of this section, the expression "member" includes an officer, and the expression "Director-General" shall have the same meaning as in the principal Act as amended by this Act.

THE SCHEDULE

(See section 13)

CONSEQUENTIAL AMENDMENTS

1. Section 8.—*For* “member”, at both the places where it occurs, *substitute* “enrolled member”.

2. Section 9.—In sub-section (1), *for* “member”, *substitute* “enrolled member”.

3. Section 10.—*Omit* “supervisory officer and”.

4. Section 12.—(a) In sub-section (1), *omit* “any supervisory officer, or”;

5 of 1898.
2 of 1974.

(b) In sub-section (2), *for* “Code of Criminal Procedure, 1898”, *substitute* “Code of Criminal Procedure, 1973”.

5. Section 13.—*Omit* “supervisory officer or”.

6. Section 14.—(a) *For* “Inspector-General”, wherever it occurs, *substitute* “Director-General”;

(b) in sub-section (1),—

(i) *omit* “supervisory officers and”;

(ii) *omit* “officers and”;

(c) in sub-section (2), *omit* “officers and”, wherever they occur;

(d) in sub-section (3), *omit* “officer and”.

7. Section 15.—(a) In sub-section (1), *omit* “supervisory officer and”;

(b) in sub-section (2), *omit* “supervisory officer or”.

8. Section 17.—(a) In sub-section (1), *for* “a member”, *substitute* “an enrolled member”;

(b) in sub-section (3), *for* “Inspector-General”, *substitute* “Director-General”.

9. Section 19.—*Omit* “supervisory officers and”.

10. Section 21.—*Omit* “supervisory officer or”, wherever they occur.

11. The Schedule.—*For* “a member”, at both the places where they occur, *substitute* “an enrolled member”.

STATEMENT OF OBJECTS AND REASONS

The Central Industrial Security Force has been constituted under the Central Industrial Security Force Act, 1968 with the object of providing for the better protection and security of industrial undertakings owned by the Central Government, as well as those in public sector. This Force has now been in existence for a period of about 13 years. During this period, the sanctioned strength of the Force has grown from about 2,000 to about 49,000 officers and men and the Force is at present deployed in 115 industrial undertakings. The responsibilities of the Force have also grown greatly in magnitude as well as complexity. The Force is today concerned *inter alia* with providing security to highly sensitive undertakings like the installations of Department of Space, Department of Atomic Energy, Oil Refineries, Petro-chemical Plants, Steel Plants and major ports. The security of these installations has a bearing not only on economic and industrial growth but also on the security and defence of the country. In view of these circumstances and also based on actual experience of the working of the Force, an urgent need has been felt for making the Force an armed force of the Union and for giving some additional powers for dealing with the problems of security of the industrial undertakings. It is therefore proposed to amend the Central Industrial Security Force Act to convert the Force into an armed force of the Union and to make it a more effective instrument for providing security to vital industrial undertakings.

2. The following are principal features of the Bill:—

(a) The Force will be made an armed force of the Union and consequential changes made in the rank, structure and nomenclature of the Force (Clauses 2, 3, 4, 5, 6, 7, 8 and 13 of the Bill).

(b) Power of the members of the Force to arrest without warrant is being extended so as to cover assaults, use of criminal force, wrongful restraint and voluntarily causing hurt to members of the Force. This provision broadly covers offences under section 353 IPC (assault on public servant in discharge of duties) and section 332 IPC (voluntarily causing hurt to a public servant in discharge of duties). Power to arrest without warrant is also being extended to cover offences against property which may be lying in the premises of an industrial undertaking or installation. Similarly, power to arrest without warrant has been extended to cognizable offences involving imminent danger to the life of persons engaged in carrying on the work of the undertaking (clause 9 of the Bill).

(c) Restrictions have been proposed on the right to form association on the lines of similar restrictions in other armed forces of the Union (clause 10 of the Bill).

(d) Punishment for offences which may be committed by members of the Force, such as violation of duty, wilful breach of rules, regulations, lawful orders, cowardice, etc., has been enhanced from six months to one year. A provision has been made for investment of powers of a Magistrate on the Commandant for inquiring into or trying such offences under certain circumstances (clause 11 of the Bill).

3. The Bill seeks to achieve the above objects.

NEW DELHI;

P. C. SETHI.

The 17th February, 1963.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to substitute for sub-section (1) of section 4 of the Central Industrial Security Force Act, 1968, a new sub-section which provides for the appointment of a Director-General, Inspectors-General, Deputy Inspectors-General, Commandants, Deputy Commandants and Assistant Commandants of the Force. The intention is not to create any new posts and it is only proposed to re-designate the existing posts. In view thereof, the provisions of the Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill seeks to convert the Central Industrial Security Force into an armed force of the Union. As a sequel thereto, sub-section (2A), as proposed to be inserted in section 18 of the principal Act by clause 11 of the Bill, provides, as in the other laws relating to armed forces, for the inquiry into, and trial of, offences committed by enrolled members of the Force by Commandants. The proviso to the said new sub-section (2A) empowers the prescribed authority to require ordinary criminal courts to deal with offences by enrolled members falling under the categories mentioned in the proviso. The rules under the Act will have to provide as to who will be the prescribed authorities for the purpose of the proviso.

2. New clause (ggg) as proposed to be inserted in sub-section (2) of section 22 of the principal Act by clause 12(a) (ii) of the Bill seeks to empower the Central Government to make rules regulating the matters with respect to the disposal of cases relating to offences under the Act and specifying the places in which persons convicted under the Act may be confined.

3. New clause (gg) as proposed to be inserted in sub-section (2) of section 22 of the principal Act by clause 12(a) (ii) of the Bill seeks to empower the Central Government to make rules regulating the matters with respect to Force-custody under the Act including the procedure to be followed for taking persons into such custody. Provisions by way of Force-custody are also consequential to the conversion of the Central Industrial Security Force into an armed force of the Union.

4. The matters in respect of which rules may be made under the aforementioned provisions pertain to procedure or matters of detail and the delegation of legislative power is of a normal character.

AVTAR SINGH RIKHY,

Secretary.

